

391676 8/8  
George L. Snyder, Jr., Senior Associate  
One M&T Plaza  
Suite 2000  
Buffalo, NY 14203-2391  
Telephone: 716.856.4000  
Facsimile: 716.849.0349



A Registered Limited Liability Partnership Including Professional Associations

Please deliver the following pages to:

**Name:** Commissioner for Patents

**Phone Number:**

**Company:** Patent & Trademark Office

**Facsimile:** 703-872-9306

**From:** George L. Snyder, Jr. **Direct Telephone:** 716.848.1545

**Total Pages:** 3 (including cover page)

**Today's Date:** September 8, 2003

**Comments:** Letter with enclosure

OFFICIAL

H.  
CENTRAL  
SEP 00

**Confidentiality Notice**

This is a **CONFIDENTIAL** transmission. The sender, Hodgson Russ LLP, is a law firm representing its client. The transmission is intended for the designated addressee only. If you are not the intended recipient, please contact us immediately and **REFRAIN FROM DISCLOSING OR USING THE ENCLOSED INFORMATION IN ANY WAY**. Failure to comply with this direction may result in a claim that you have violated the law and/or are liable for money damages.

Thank you for your attention to this message. If you have received this transmission in error, please notify us by telephone 716.848.1232 immediately so that we can arrange for the return of the documents to us at no cost to you.

In the event of missing pages or other problems with the transmission of the Facsimile, please call: 716.848.1232

File No: 39159.0324

Date: \_\_\_\_\_

Attorney/Attorney No.: GLS/755

Time Sent: \_\_\_\_\_ AM / PM

Total No. of Pages Telecopied (including cover page): 3

Floor/Ext: 17/1606

Operator's Name:     

Albany • Boca Raton • Buffalo • Johnstown • JFK International Airport  
New York City • Newark • Palm Beach Gardens • Toronto • [www.hodgsonruss.com](http://www.hodgsonruss.com)

**VIA FACSIMILE ONLY: (703) 872-9306**  
**cc: (703) 746-7477**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/676,836  
Applicant(s) : Christopher T. Cotton et al.  
Filed : September 29, 2000  
Title: REFRACTOMETER FOR MONITORING WATER CONTENT IN FLUIDS  
  
TC/A.U. : 2851  
Examiner : Michelle P. Nguyen  
  
Docket No. : 39159.0324

**FACSIMILE LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

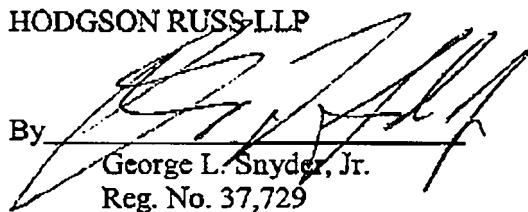
Pursuant to a telephone conference between the undersigned attorney and Examiner Michelle Nguyen on September 8, 2003, we transmit herewith a copy of second Terminal Disclaimer in the above application. The second Terminal Disclaimer relates to U.S. Patent No. 5,969,808, and was previously submitted with, but apparently not scanned at the same time as, a first Terminal Disclaimer in the application.

Please scan the second Terminal Disclaimer into the electronic records for this application.

Respectfully submitted,

HODGSON RUSS LLP

By

  
George L. Snyder, Jr.  
Reg. No. 37,729

One M&T Plaza, Suite 2000  
Buffalo, New York 14203-2391  
(716) 856-4000  
DATED: September 8, 2003

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING</b>	Docket Number (Optional)
<b>REJECTION OVER A PRIOR PATENT</b>	39159.0324

In re Application of: Christopher T. Cotton et al.

Application No.: 09/678,836

Filed: September 29, 2000

For: Refractometer For Monitoring Water Content In Fluids

The owner\*, Reichert, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,969,808. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record.

RECEIVED  
CENTRAL FAX CENTER  
SEP 08 2003

  
Signature 7/31/03  
Date

George L. Snyder, Jr.

Typed or printed name

(716) 856-4000

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**OFFICIAL**